

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

IN RE: GERBER PRODUCTS COMPANY  
HEAVY METALS BABY FOOD  
LITIGATION

Master File No. 1:21-cv-00269 (MSN/JFA)

This Document Relates to ALL Cases

**CONSENT MOTION SETTING BRIEFING SCHEDULE AND HEARING ON  
DEFENDANT'S MOTION TO DISMISS**

Pursuant to the Court's Amended Order of May 19, 2022, Plaintiffs and Defendant, by and through their counsel of record, hereby move the Court for an order setting the following briefing schedule and hearing on Defendant's motion to dismiss:

1. Defendant's motion to dismiss shall be filed on or before July 8, 2022;
2. Plaintiffs' opposition to the motion to dismiss shall be filed on or before August 5, 2022;
3. Defendant's reply in support of the motion to dismiss shall be filed on or before August 19, 2022; and
4. Subject to the Court's approval, the hearing date on Defendant's motion to dismiss shall be September 12, 2022, or another date thereafter that is convenient for the Court.

A proposed order is attached for the Court's consideration.

Dated: May 25, 2022

Respectfully submitted,

By: /s/ Steven J. Toll

Steven J. Toll  
**COHEN MILSTEIN SELLERS  
TOLL PLLC**

1100 New York Ave. NW  
East Tower, 5th Floor  
Washington, DC 20005  
Telephone: (202) 408-4600  
Facsimile: (202) 408-4699  
stoll@cohenmilstein.com

Rosemary M. Rivas  
**GIBBS LAW GROUP LLP**

1111 Broadway, Suite 2100  
Oakland, CA 94607  
Telephone: 510-350-9700  
Facsimile: 510-350-9701  
rmr@classlawgroup.com

Janine Pollack  
**CALCATERRA POLLACK LLP**

1140 Avenue of the Americas, 9th  
Floor  
New York, New York 10036  
Telephone: 212-899-1765  
Facsimile: 332-206-2073  
jpollack@calcaterrapollack.com

*Plaintiffs' Interim Co-Lead Counsel*

By: /s/ Kathryn J. Mims

Kathryn J. Mims  
**WHITE & CASE LLP**  
701 Thirteenth Street, NW  
Washington, D.C. 20005  
Telephone: 202-626-3200  
Facsimile: 202-639-9355  
[kmims@whitecase.com](mailto:kmims@whitecase.com)

Bryan A. Merryman  
**WHITE & CASE LLP**  
555 South Flower Street, Suite 2700  
Los Angeles, CA 90071  
Telephone: 213-620-7700  
Facsimile: 213-452-2329  
[bmerryman@whitecase.com](mailto:bmerryman@whitecase.com)

*Counsel for Defendant Gerber  
Products Company*